

**BEFORE THE TENNESSEE STATE BOARD OF EQUALIZATION**  
**ASSESSMENT APPEALS COMMISSION**

Appeal of: Rita Joan Cole, Trustee )  
Dist. 17, Map 37G, Group B, Control Map 37G , )  
Parcel 5.00, S.I. 000 ) Sullivan County  
Residential Property )  
Tax Years 2005 – 2007 )

**FINAL DECISION AND ORDER**

**Statement of the Case**

This appeal was filed on behalf of the property owner from the Initial Decision and Order of the administrative judge. The administrative judge affirmed the following values established by the Sullivan County Board of Equalization:

<u>Land Value</u>	<u>Improvement Value</u>	<u>Total Value</u>	<u>Assessment</u>
\$31,200	\$398,500	\$429,700	\$107,425

The appeal was heard in Morristown, Tennessee on December 14, 2007 before Commission members Odgen Stokes (presiding), Beth Ledbetter, Robert Walker, and Kay Sandifer.<sup>1</sup> Mr. Benton Cole appeared on behalf of the property owner. The Sullivan County Assessor's Office was represented by Randy Morrell and Jeff Icenhour.

**Findings of Fact and Conclusions of Law**

The subject property consists of a single-family residence and a guest house located at 117 Pendleton Drive in Bristol, Tennessee. Mr. Cole argued that the value of this property should be \$401,700. It was the position of the county that the property value should be \$429,700, rather than the \$459,100 value that it sought before the administrative judge.

In a preliminary matter, the county stated that it had made an error regarding the assessment of a second lot, which is located behind the subject property. According to the county, the error resulted from the failure to assess the full depth of the lot. That second parcel, identified at the hearing as Parcel 46, was not part of the original appeal. At the time of the hearing, the county had the second parcel valued at \$21,600, but was seeking a "corrected" value of \$28,800. Therefore, with the \$429,700 being sought for the subject parcel, the county was seeking a total value for both parcels in the amount of \$458,500. The county agreed that this second parcel would not be considered at this hearing. It may be handled as an assessor's correction subject to appeal.

It is the opinion of this Commission that the sole issue before us should be the determination of the fair market value of the improvements and land as of January 1, 2005. Although Mr. Cole questioned the validity of the comparable sales used by the county to establish its values, he did not introduce any comparable sales that would support his position and counter the findings of the county. Mr. Cole indicated that,

<sup>1</sup>Mr. Walker sat as a designated alternate in the absence of a regular member, per T.C.A. § 4-5-302(e).



while the county has access to all of the sales in the county, he would not know how to go about accessing that information.

Mr. Cole primarily relied upon information regarding building or construction costs associated with the subject property. Notwithstanding the assertion by Mr. Cole that he included a "builder's fee" in his data, as the administrative judge pointed out, "the taxpayer's 'cost approaches' do not comport with generally accepted appraisal practices in certain significant respects". As a result, the property owner failed to establish a valuation upon which this Commission could reasonably rely. This Commission finds no basis to reverse the decision of the administrative judge.

### **ORDER**

By reason of the foregoing, it is ORDERED, that the initial decision and order of the administrative judge be modified to include tax years 2006 and 2007<sup>2</sup> and the values and assessments are affirmed as follows:

<u>Land Value</u>	<u>Improvement Value</u>	<u>Total Value</u>	<u>Assessment</u>
\$31,200	\$398,500	\$429,700	\$107,425

This order is subject to:

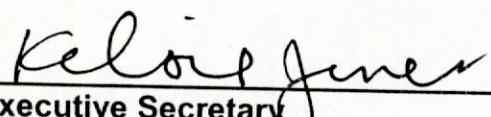
1. **Reconsideration by the Commission**, in the Commission's discretion. Reconsideration must be requested in writing, stating specific grounds for relief and the request must be filed with the Executive Secretary of the State Board of Equalization with fifteen (15) days from the date of this order.
2. **Review by the State Board of Equalization**, in the Board's discretion. This review must be requested in writing, state specific grounds for relief, and be filed with the Executive Secretary of the State Board within fifteen (15) days from the date of this order.
3. **Review by the Chancery Court** of Davidson County or other venue as provided by law. A petition must be filed within sixty (60) days from the date of the official assessment certificate which will be issued when this matter has become final.

Requests for stay of effectiveness will not be accepted.

DATED: Jan. 29, 2008

  
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Presiding Member

ATTEST:

  
\_\_\_\_\_  
Executive Secretary

cc: Benton Cole  
Bob Icenhour, Sullivan County Assessor of Property

AAC RITA COLE

<sup>2</sup>The record was temporarily re-opened to address tax years 2006 and 2007.